

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED

DEC 10 2018

Clerk, U.S. District Court
Texas Eastern

MOBILITY WORKX, LLC,

Plaintiff,

v.

**CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS,**

Defendant.

Civil Action No.: 4:17-cv-00872-ALM

JURY TRIAL DEMANDED

DECLARATION AND REQUEST FOR EXTENSION OF TIME

Mobility Workx, LLC (MWx), represented by its co-inventors, co-founders and Principal Managers: Dr. Edwin Hernandez, PhD, and Dr. Abdelsalam Helal, PhD, respectfully request the court to grant an extension of time for Plaintiff to handle what Plaintiff perceives as a breach of fiduciary duties by its withdrawn counsel, and to provide urgently needed time for Plaintiff to replace its Counsel. MWx, represented by its co-founders and Principal Managers, do hereby declare and state the following facts:

We have strong reasons to believe that MWx' Counsel attorneys, Mr. David Skeels and Mr. Enrique (Rick) Sanchez, Jr. from Whitaker Chalk Swindle & Schwartz PLLC (Whitaker & Chalk), and co-council Mr. Cabrach Connor from Connor Kudlac Lee PLLC (CKL), have not been working to benefit MWx' interest. The following set of details are provided as a sample in support of this declaration.

1. On October 3rd 2018, Dr. Hernandez discovered evidence of use of the US Patent 7231330 by T-Mobile on a website, see Exhibit A - ANRITSU's TMOBILE Test plan for LTE (**Exhibit A**)
2. Although MWx was informed that TMOBILE had declared that they didn't use any emulation technology that uses our 330 patent at the time. Attorney's Eyes Only (AEO) was used to cloud validation of such statement.
3. On October 5th 2018, Dr. Hernandez pleaded to Mr. Connor not to submit the expert report made by Dr. Stephen Magee and his associates (e.g., Mrs. Keiko Hekkino, among others) as it contained false statements of a hypothetical negotiation between SISVEL and MWx. Actual communication with SISVEL occurred July 26, 2016

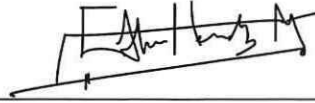
- (**Exhibit B**). All these documents were produced to our attorneys, and the results from that negotiation was that SISVEL would require us to submit the patents, but Mr. Davide Ferri, then one of SISVEL's Corporate Managers, expressed that our patents were not a good fit for SISVEL's LTE Patent Pool.
4. Although MWx suggested removal of the section regarding SISVEL from Mr. Magee's expert report, on the ground that it contains false statements, Mr. Connor submitted the report to opposing counsel anyway despite repeated and clear instructions to the opposite (**Exhibit C**).
 5. On October 5th, 2018, Dr. Hernandez pleaded Mr. Skeels not to submit the expert report made by Mr. Thomas Blackburn as Mr. Blackburn did not consider the ANRITSU TMOBILE LTE Test Conformance Document (**Exhibit D**).
 - a. The test conformance report include multiple handover scenarios showing when the signal is sent for handover
 - b. This test report was and is a crucial discovery by Dr. Hernandez that showed clearly and in a simplified fashion how handover is validated and tested by TMOBILE
 - c. These battery of test cases are performed in all new mobile phones that TMOBILE sells to their customers.
 - d. MWx counsel was informed of this report discovery, and asked to convey it to Mr. Blackburn and to opposing counsel requesting further discoveries on this matter.
 - e. Mr. Blackburn's expert report ignored this document, and we are uncertain if opposing counsel has received our request for further discoveries.
 6. MWx, had only 4 hours and 41 minutes to read, review and respond to Mr. Magee and Mr. Blackburn's report. The deadline for filing was midnight Central Standard Time on October 5th, 2018. The two reports were sent by our counsel to MWx, at 8:00PM and 8:19PM Eastern Standard Time (5h and 4h:41m before the filing deadline) (**Exhibit E and Exhibit F**). This MWx Workx, LLC, in peril. Yet, we have provided comments about both reports (requesting removal of the SISVEL argument from Mr. Magee's report, and the addition of the Test Conformance Report reference in Mr. Blackburn's report). Our repeated requests and pleases were denied, and the reports were sent to opposing counsel despite our disagreement.

Prayers


For the aforementioned reasons, Mobility Workx, LLC and its inventors and co-founding owners, Dr. Edwin Hernandez and Dr. Abdelsalam Helal, feel urged to contact this respected court directly through this declaration to state the facts and request a proper extension and rescheduling of court proceedings to allow Mobility Workx LLC to establish a new counsel.

We declare under penalty of perjury that the foregoing is to the best of our knowledge true and correct.

On behalf of **Mobility Workx, LLC**



Name: Edwin A. Hernandez-Mondragon
Title: Managing Principal
Date: December 6, 2018
Place: Coral Springs, Florida, USA



Name: Abdelsalam A. Helal
Title: Managing Principal
Date: December 6, 2018
Place: Lancaster, UK

EXHIBITS

EXHIBIT A

Annotations: For instance on Pg 20 and Pg 44 contains an emulation architecture, from Pg 39 - 493, a set of test cases for handover Complete report can be found and downloaded from this web site: <https://drive.google.com/drive/folders/1ysnXrtn-KBC0kPxy7oFOdXcaSwOn4TNh?usp=sharing>

EXHIBIT B

SISVEL Discussions and negative feedback received from SISVEL as patent portfolio might not have been a fit for SISVEL

EXHIBIT C

Damages Report first receipt at 8:18PM EST

EXHIBIT D

Infringement Report first receipt at 8:00PM EST

EXHIBIT E

Example of Instructions given to Attorneys regarding Damages Report and not filing it as it was written

EXHIBIT F

Example of Instructions given to Attorneys regarding Infringement Report and not filing it as it was written